IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE V.ESWARAIAH**

**WRIT PETITION NO : 7133 of 2003**

Between:

Kadiyala Sathishchandra S/o. Seshagiri Rao
r/o. Door No.4/994-8-1, Rajupet, APSEB Colony near National College,
Machilipatnam, Krishna District.

**..... PETITIONER**

AND

1. The Superintending Engineer, Operation Circle, Southern Power Distribution Company of A.P.Ltd. Operation Circle, Vijayawada
2 The Chairman & Managing Director APGENCO, Vidyuthsoudha, Khairatabad, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly in the nature of writ of mandamus declaring the action of the respondents in not absorbing the petitioner in the regular vacancy of Sub-Engineer as was done in the case of others in terms of B.P.Ms.No.36 and 37, dated 18-5-1997 read with B.P.Ms.No.271, dated 31-12-1997 as wholly illegal, arbitrary. violative of principles of natural justice apart from violative of Articles 14 and 21 of Constitution of India.

**Counsel for the Petitioner: MR.RAVI KONDAVEETI**

**Counsel for the Respondents: S. Ravindranath.**

**The Court made the following:**

**THE HONOURABLE SRI JUSTICE V.ESWARAIAH**

**W.P NO. 7133 OF 2003**

**ORDER:**

The petitioner filed this Writ Petition for his absorption in the regular vacancy of Sub Engineer as was done in the case of others in terms of B.P. Ms. No. 36 and 37, dated 18.05.1997 read with B.P.Ms.No. 271 dated 31.12.1997.

The petitioner submits that he has worked as Contract Labour at A.P.S.E.B. Machilipatnam Sub Division, Kirishna District from 02.03.1993 to 04.12.1995 for erection of HT & LT lines at various places in Machilipatnam Sub Division. In support of his contention that he worked for the said period, he filed bio-data, which shows that he worked two and half years as a Contract Labour from 02.03.1993 to 04.12.1995.

There is no averment either in the application or in the Writ Petition that he was working as on 18.12.1997.

The learned counsel for the respondents submits that as per the said B.P. Ms No. 36 and 37 dated 18.05.1997, the cases of the contract labourers in one of the categories, which was abolished, are entitled to consolidate appointments against 50% of the existing vacancies. Admittedly, the petitioner was not working as contract labour on 18.05.1997. The counsel for the respondents relied upon an Order passed by the Supreme Court in Civil Appeal No. 43216 of 2002 ( arising out of S.L.P.© No.19402 of 2000) (**TRANSMISSION CORPORATION OF A.P. LTD AND OTHERS v G.TRIVIKRAM AND OTHERS).** The cut of date to consider the case of

the contract labourers is 18.05.1997. The petitioner worked as contract labour from 02.03.1993 to 04.12.1995 and as per the guidelines of respondents his name is not on rolls as on 18.05.1997 and hence, his case cannot be considered. Therefore, I do not find any merits in the Writ Petition for absorption of the petitioner.

Accordingly, the writ petition is dismissed. No costs.

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12-08-2004

kvrm

To

1. The Superintending Engineer, Operation Circle, Southern Power Distribution Company of A.P.Ltd. Operation Circle, Vijayawada
2 The Chairman & Managing Director APGENCO, Vidyuthsoudha, Khairatabad, Hyderabad.

3. 2 CD copioes.